

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

COTTER CORPORATION, N.S.L.,)	
)	
Third-Party Plaintiff,)	
)	
v.)	No. 4:20-cv-01227-JAR
)	
MALLINCKRODT LLC et al.,)	
)	
Third-Party Defendants.)	

STATUS REPORT

1. On January 25, 2022, this Court extended the stay in this matter pending the issuance of mandate by the Eighth Circuit in the consolidated appeal in this matter, *Banks et al. v. Cotter Corp.*, Nos. 21-1160, 21-1165 (8th Cir.) (“*Banks Appeal*”).

2. Mandate issued on February 18, 2022 (ECF No. 99). Accordingly, jurisdiction over all claims in this matter—including Plaintiffs’ claims and Cotter Corporation (N.S.L.)’s third-party claims—has been re-established in this Court. Cotter Corporation (N.S.L.) and Mallinckrodt LLC therefore request that the Court order the Clerk of Court to re-caption this case as *Tamia Banks, et al. v. Cotter Corporation (N.S.L.), et al.* and reinstate all parties and counsel who were terminated on the docket.

3. Plaintiffs have until May 12, 2022, to file a petition for writ of certiorari in the United States Supreme Court from the decision of the Eighth Circuit in the *Banks* appeal, *In re Cotter Corp. (N.S.L.)*, 22 F.4th 788 (8th Cir. 2022). Plaintiffs have not committed as to when they will file such a petition but have indicated their intention of doing so.

4. Cotter Corporation (N.S.L.) has also filed a motion for consolidation of this case with the earlier filed, related matter of *Butler v. Mallinckrodt LLC, et al.*, Case No. 4:18-cv-01701-AGF (“*Butler*”) (ECF No. 100). That motion is pending in *Butler* before Judge Fleissig.

5. In light of Plaintiffs’ anticipated petition for writ of certiorari in the Supreme Court, Cotter Corporation (N.S.L.) and Mallinckrodt LLC request that this Court extend the stay in this case until May 26, 2022, which is 14 days after Plaintiffs’ Supreme Court filing deadline of May 12, 2022, with an order to all parties to file a joint status report by May 26, 2022.

Dated: March 18, 2022

Respectfully submitted,

/s/ Brian O. Watson

RILEY SAFER HOLMES & CANCELA LLP

Edward Casmere, #64326MO

Brian O. Watson, #68678MO

Jennifer Steeve, #308082CA

Lauren E. Jaffe, #6316795IL

Nacenté S. Seabury, #67248MO

70 W. Madison St., Suite 2900

Chicago, Illinois 60602

(312) 471-8700

(312) 471-8701 - Fax

ecasmere@rshc-law.com

bwatson@rshc-law.com

jsteeve@rshc-law.com

ljaffe@rshc-law.com

nseabury@rshc-law.com

docketdept@rshc-law.com

ATTORNEYS FOR DEFENDANT AND
THIRD-PARTY PLAINTIFF COTTER
CORPORATION (N.S.L.)

/s/ David R. Erickson

David R. Erickson, #31532MO

Steven D. Soden, #41917MO

Jason M. Zager, #59432MO

Anthony R. Martinez, #61791MO

Poston E. Pritchett, #72303MO

SHOOK, HARDY & BACON LLP

2555 Grand Boulevard

Kansas City, Missouri 64108-2613

Telephone: 816.474.6550

Facsimile: 816.421.5547

derickson@shb.com

ssoden@shb.com

jzager@shb.com

amartinez@shb.com

ppritchett@shb.com

ATTORNEYS FOR THIRD-PARTY
DEFENDANT MALLINCKRODT LLC

CERTIFICATE OF SERVICE

I certify that on March 18, 2022, these papers were filed through the Eastern District of Missouri Court's CM/ECF system, which will automatically serve an electronic copy upon all counsel of record.

/s/ Brian O. Watson

Brian O. Watson